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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/696,491	10/25/2000	David W. Paranchych	NORT0031US(10955RRUS02U)	3619

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EXAMINER
NGUYEN, DAVID Q

ART UNIT	PAPER NUMBER
2681	7

DATE MAILED: 12/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)	
	09/696,491	PARANCHYCH ET AL.	
	Examiner	Art Unit	
	David Q Nguyen	2681	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 December 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ they raise the issue of new matter (see Note below);
   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.
   NOTE: _____.
3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.
8. ☐ The proposed drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

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PRIMARY EXAMINER

Continuation of 5. does NOT place the application in condition for allowance because: Examiner reconsiders the amendment filed 12/2/03. However, all the reference used to reject claims of the application are still stand because they meet all of the limitations recited in the claims.
Advisory Action
and
Response to Arguments

Applicant's arguments filed December 2, 2003 have been fully considered but they are not persuasive.
In response to applicant's Remarks on page 8, applicants argue that the combination of Hamalainen and Weaver fails to teach or suggest the invention of independent claim 4. There is nothing in any of the cited passages that suggests detecting an error in control signaling transmitted over a link between the base station and the mobile unit when traffic channels are not being communicated.
Examiner respectfully disagrees because Hamalainen teaches that and shows that BTS sends information to the base station transceiver station, but the personal station sends no information to the BTS. The reverse channel is hereby in a DTX state. Its information rate is hereby low and the channel's transmission power requirement and its reception power are low (see page 7, lines 3-7 and fig 3). It is apparent that in the DTX state, the system detects BTS' information rate is low, the channel's transmission power is required and BTS' reception power are low. Moreover, in the DTX state traffic channels are not being communicated as Hamalainen teaches the personal sends no information to the BTS. Therefore, Hamalainen teaches detecting an error in control signaling transmitted over a link between the base station and the mobile unit when traffic channels are not being communicated.
Applicants also argue on page 8: " Nor is there any teaching or suggestion anywhere within Hamalainen of adjusting a power control element based on the detect error in the control signaling".
Examiner respectfully disagrees because Hamalainen teaches adjusting a power control element based on the detect error in the control signaling (please see page 9 lines 23-33, abstract and figs. 1-3).
Applicants argue on page 9: "Weaver fails to teach or suggest any of the elements of claim 4" and Weaver fails to disclose adjusting a target ratio of energy per bit to noise spectral density based on detected error in control signaling"

Examiner respectfully disagrees because Weaver disclose adjusting the power control element comprises adjusting a ratio of energy per bit to noise spectral density based on the detected error of voice data and reverse link (see col. 3, lines 45-65 and col. 4, lines 29-33). In page 5, lines 15-20 of the specification of the application, applicants mention that the reverse link includes a pilot channel, a power control subchannel, a traffic channel, and other channels. The traffic channel may include a dedicated control channel (DCCH), fudamental channel (FCH), supplemental channel (SCH), and other channels. It is apparent that Weaver et al disclose wherein adjusting the power control element comprises adjusting a target ratio of energy per bit to noise spectral density based on the detected error in the control signaling.

Applicants argue on page 10: " with respect to independent claim 30, there is no teaching or suggestion anywhere within Hamalainen or Weaver of detecting for one or more errors in control signaling received over a link, and adjusting a power control element based on the detected one or more errors in the control signaling if the mobile unit is in a discontinuous transmission mode".

Examiner respectfully disagrees because Hamalainen and Weaver teach detecting for one or more errors in control signaling received over a link, and adjusting a power control element based on the detected one or more errors in the control signaling if the mobile unit is in a discontinuous transmission mode as explained above.

Applicants also argue on page 10: "with respect to independent claim 33, there is no teaching or suggestion by either Hamalainen or Weaver of monitoring for one or more errors in receiving predetermined pilot signal information when traffic signal is not being transmitted, and adjusting a target ratio of energy per bit to noise spectral density based on the monitored one or more errors in the predetermined pilot signal information".

Examiner respectfully disagrees because similarly Hamalainen and Weaver teach monitoring for one or more errors in receiving predetermined pilot signal information when traffic signal is not being transmitted, and adjusting a target ratio of energy per bit to noise spectral density based on the monitored one or more errors in the predetermined pilot signal information as explained above.

Applicants also argue on page 10: "Independent claim 20 was rejected over the asserted combination of Hamalainen and Willenegger. This obviousness rejection is also defective, As noted above, Hamalainen does not disclose detecting for error in received control signaling and adjusting a power control condition based on a detected error in the received control signaling in response to detecting that the mobile unit is in a discontinuous transmission mode".

Examiner respectfully disagrees because Hamalainen discloses detecting for error in received control signaling and adjusting a power control condition based on a detected error in the received control signaling in response to detecting that the mobile unit is in a discontinuous transmission mode as explained above.

Applicants also argue on page 10: "Willenegger does not disclose detecting for error detecting for error in traffic signaling from a mobile unit and to adjust a power control condition based on detected error in the traffic signaling in response to the detecting that a mobile unit is not in discontinuous transmission mode"

Examiner respectfully disagrees because Willenegger does disclose detecting for error detecting for error in traffic signaling from a mobile unit and to adjust a power control condition based on detected error in the traffic signaling in response to the detecting that a mobile unit is not in discontinuous transmission mode (please see col. 3, line 45 to col. 4, line 33).

Applicants also argue on page 11: "Willenegger fails to disclose or suggest detecting whether a mobile unit is or is not in discontinuous transmission mode".

Examiner respectfully disagrees because Willenegger does disclose detecting whether a mobile unit is or is not in discontinuous transmission mode (please see col. 3, line 45 to col. 4, line 33).

DN
David Nguyen